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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

NO: 13-CR-130-RMP

8 Plaintiff,

9 v.

ORDER GRANTING MOTION TO  
WITHDRAW FELONY GUILTY  
PLEA AND ORDER ACCEPTING  
GUILTY PLEA TO INFORMATION  
SUPERSEDING INDICTMENT

10 ELKE ANNA MARIE COVEY,

11 Defendant.

12  
13 BEFORE THE COURT is the Defendant's Motion to Withdraw Felony  
14 Guilty Plea with Intent to Plead to Misdemeanor Lesser Included Offense, ECF  
15 No. 41. Defendant requests that she be permitted to withdraw from her felony  
16 guilty plea entered on December 13, 2013. Defendant explains that in the course  
17 of the preparation of the presentence investigation report, defense counsel learned  
18 that Ms. Covey's biological parents were both foreign born. Although Ms.  
19 Covey's mother subsequently married an American soldier, it is unclear whether  
20 Ms. Covey has derivative citizenship as a result of that marriage. Thus, defense  
21 counsel explains that a felony conviction could subject her to deportation, a fact  
ORDER GRANTING MOTION TO WITHDRAW FELONY GUILTY PLEA AND  
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INDICTMENT ~ 1

1 that Defendant and defense counsel were unable to appreciate at the time of Ms.  
2 Covey's felony guilty plea.

3 The Defendant thus seeks to withdraw from her felony guilty plea and  
4 instead plead guilty to the misdemeanor offense of Theft of Government Money  
5 under \$1,000. The Government indicated that it did not oppose this course of  
6 action. The Court therefore determines that the Defendant shall be permitted to  
7 withdraw from her felony guilty plea and instead enter the following misdemeanor  
8 guilty plea: Theft of Government Money Under \$1,000.00 in violation of 18  
9 U.S.C. § 641.

10 The Court finds that Defendant's plea of guilty to the Information  
11 Superseding Indictment, filed July 3, 2014, charging Defendant with Theft of  
12 Government Money Under \$1,000.00 in violation of 18 U.S.C. § 641 is voluntary  
13 and not induced by fear, coercion, or ignorance. The Court further finds that this  
14 plea is given with knowledge of the charged crime, the essential elements of the  
15 charged crime, the Government's evidence of the charged crime, the consequences  
16 of a guilty plea, and that the facts admitted to by Defendant in open court  
17 constitute the essential elements of the charged crime. Accordingly, **IT IS**

18 **HEREBY ORDERED:**

19 1. Defendant's Motion to Withdraw Plea of Guilty, **ECF No. 41**, is

20 **GRANTED.**

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ORDER GRANTING MOTION TO WITHDRAW FELONY GUILTY PLEA AND  
ORDER ACCEPTING GUILTY PLEA TO INFORMATION SUPERSEDING  
INDICTMENT ~ 2

1 2. Defendant's plea of guilty to the Information Superseding Indictment is  
2 accepted.

3 3. All pending pretrial motions, if any, are **DENIED AS MOOT**.

4 4. All previously set court dates, including the trial date, are **STRICKEN**.

5 The District Court Clerk is hereby directed to enter this order and provide  
6 copies to counsel.

7 **DATED** this 3rd day of July 2014.

8  
9 *s/ Rosanna Malouf Peterson*

10 ROSANNA MALOUF PETERSON  
11 Chief United States District Court Judge  
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